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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,150

05/06/2004

Clayton Chadez

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EXAMINER

ROTH, LAURA K

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/840,150

Applicant(s)

CHADEZ, CLAYTON

Examiner

Laura K. Roth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/6/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The disclosure is objected to because of the following informalities: the phrase "In an effort to facilitate the remove such seals" should be rewritten as "In an effort to facilitate the **removal of** such seals" (p.4, ln.29-30), and reference number 2 in Figure 1 is not disclosed in the specification.

Claim 6, 8 and 17 are objected to because of the following informalities: in claim 6, line 3, the phrase "is couple to the cartridge" should be corrected to "Is **coupled** to the cartridge"; in claim 8, line 9, the phrase "attached to **the** at least one" should be corrected to "attached **to at** least one"; in claim 17, line 1, the phrase "wherein the uncoupling the seal" should be corrected to "**wherein uncoupling** the seal" or "wherein the uncoupling **of** the seal". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-8, 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nittani et al. (US Pat. 6,834,171). Regarding claim 1, Nittani et al.

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(US Pat. 6,834,171) teach a cartridge configured to contain toner (col.6, ln.53-56; col.7, ln.11-14) which is to be consumed by an imaging device via an outlet opening in the cartridge (col.8, ln.56-59), the cartridge comprising: a reservoir configured to contain the toner (col.7, ln.11-14) wherein the reservoir is coupled in fluid flowing relation to the outlet opening (col.8, ln.56-59), a removable seal releasably coupled to the cartridge (col.9, ln.15+) and configured to substantially seal the outlet opening while the seal is coupled to the cartridge (col.8, ln.66 – col.9, ln.1), and a pull-ring attached to the seal (col.9, ln.7-9) wherein the pull-ring is configured to prevent installation of the cartridge into the imaging device while the seal is coupled to the cartridge (col.12, ln.42-44 & ln.47-52). Nittani et al. (US Pat. 6,834,171) also teach - regarding claims 3, 4, 5, and 7 respectively - a pull-ring with a center aperture configured to receive a user's finger (col.12, ln.15-17), constructed of a rigid material, constructed of a substantially non-malleable material, and which protrudes from a side of the cartridge. Additionally, regarding claim 6, Nittani et al. (US Pat. 6,834,171) teach a removable seal comprising a flexible tape that is positioned within a slot inside of the cartridge while the flexible tape is coupled to the cartridge (see Fig.6C, #60, 63, and 41j). Regarding claims 8, and 10-13, Nittani et al. (US Pat. 6,834,171) teach all of the features previously listed as well as: a flexible tape releasably coupled to the cartridge wherein the flexible tape is configured to substantially seal the outlet opening while the flexible tape is coupled to the cartridge and wherein the flexible tape includes at least one end which extends from the cartridge (col.9, ln.1-5), and a pull-ring attached to at least one end of the flexible tape (col.9, ln.15-16)

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which extends from the cartridge wherein the pull-ring protrudes from the cartridge to prevent installation of the cartridge into the imaging device while the flexible tape is coupled to the cartridge (col.12, ln.42-44 & ln.47-52). In reference to claim 14, Nittani et al. (US Pat. 6,834,171) teach an imaging device comprising a receptacle configured to receive a cartridge containing toner, the receptacle being at least partially defined by a blocking surface which in operation prevents the cartridge from being received by the receptacle until a pull-ring attached to a flexible tape has been removed from the cartridge (col.12, ln.26-54; also, see Fig.10, grip #60 and cartridge guide #35 with respect to direction of travel Y).

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Nittani et al. (US Pat. 6,834,171). Nittani et al. (US Pat. 6,834,171) disclose a method to ensure that a seal is removed from a cartridge configured to contain toner before the cartridge is installed in an imaging device, the method comprising: providing the cartridge, wherein the cartridge is defined in part by a cartridge housing configured to be received within a designated receptacle within the imaging device(col.12; ln.55-59); providing the seal, wherein the seal is releasably coupled to the cartridge (col.9, ln.16-18); and providing a pull-ring attached to the seal (col.9, ln.15-16), wherein the pull-ring protrudes from the cartridge housing to prevent the cartridge from being received within the designated receptacle until the seal has been uncoupled from the cartridge (col.12, ln.42-54). Nittani et al. (US Pat. 6,834,171) also disclose a method wherein after providing the seal, the method includes uncoupling the seal from the cartridge so that the cartridge can be received within the designated

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receptacle (col.12, ln.55-59), and wherein uncoupling the seal from the cartridge further comprises pulling the pull-ring away from the cartridge (col.12, ln.15-17; also, Fig. 6c, ref arrow A).

Claims 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nittani et al. (US Pat. 6,834,171). Nittani et al. (US Pat. 6,834,171) disclose a cartridge configured to contain toner which is to be consumed by an imaging device via an outlet opening in the cartridge which comprises: a means for releasably sealing the outlet opening to substantially prevent movement of the toner from the cartridge to the imaging device (claim 18) wherein said means comprises a flexible tape (claim19) by way of a toner seal created from "a combination of a cover film for sealing the opening of the toner container and the tear tape for tearing the cover film" (col.13, ln.65-67). Nittani et al. (US Pat. 6,834,171) also disclose a cartridge with a means for preventing installation of the cartridge into the imaging device when the outlet opening is sealed (claim 18), such means further comprising a pull-ring which is attached to the means for releasably sealing the outlet opening and wherein the pull-ring protrudes from the cartridge (claim20). Said means are disclosed by way of "the seal grip [pull-ring] passes over the process cartridge mounting region of the image forming apparatusmain body to be hitched by the process cartridge guide.... Because of this, the process cartridge can be prevented from being mounted to the image forming apparatus body under the condition that the seal grip is not removed" (col.12, ln.42-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nittani et al. (US Pat. 6,834,171) in view of Wang et al. (US Pat. 6,665,506). Nittani et al. (US Pat. 6,834,171) disclose a cartridge with all of the features previously mentioned that are integral to independent claims 1 and 8. However, Nittani et al. (US Pat. 6,834,171) fail to disclose the pull-ring comprising a narrow end attached to the seal and a wide end configured to facilitate grasping the pull-ring of claims 2 and 9.

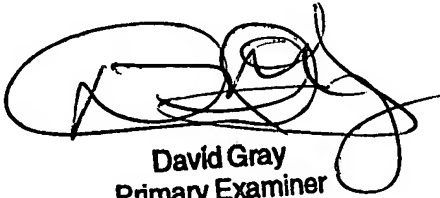
Wang et al. (US Pat. 6,665,506) teach a pull-ring comprising a narrow end attached to the seal and a wide end configured to facilitate grasping the pull-ring (see Fig.3, #3 with respect to #2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the pull-ring design and seal attachment of Nittani et al. (US Pat. 6,834,171) with the pull-ring design and seal attachment of Wang et al. (US Pat. 6,665,506) to provide a more reliably secure connection between the seal and the pull-ring and to enable the production of a larger, more ergonomic pull-ring that can more easily facilitate the pulling action from a variety of users.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura K. Roth whose telephone number is (571)272-2154. The examiner can normally be reached on Monday-Friday, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Gray
Primary Examiner

LKR
8/16/2005